

SENATE BILL 179

C3

2lr0886

By: **Senators Pugh, Raskin, Astle, Brochin, Currie, Ferguson, Forehand, Frosh, Gladden, Kelley, King, Klausmeier, Madaleno, Manno, Mathias, Middleton, Montgomery, Peters, Pipkin, Ramirez, Robey, Rosapepe, Simonaire, Stone, and Zirkin**

Introduced and read first time: January 20, 2012

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Kathleen A. Mathias Chemotherapy Parity Act of 2012**

3 FOR the purpose of prohibiting insurers, nonprofit health service plans, and health
4 maintenance organizations that provide coverage for cancer chemotherapy
5 under certain policies or contracts from imposing certain limits or cost sharing
6 on coverage for orally administered cancer chemotherapy that are less favorable
7 to an insured or enrollee than the limits or cost sharing on coverage for cancer
8 chemotherapy that is administered intravenously or by injection; prohibiting
9 the insurers, nonprofit health service plans, and health maintenance
10 organizations from reclassifying cancer chemotherapy or increasing certain
11 out-of-pocket expenses to achieve certain compliance; prohibiting the insurers,
12 nonprofit health service plans, and health maintenance organizations from
13 increasing an out-of-pocket expense applied to cancer chemotherapy under a
14 health insurance policy or contract or a health maintenance organization
15 contract unless the increase also is applied to certain benefits under the policy
16 or contract; making certain provisions of this Act applicable to health
17 maintenance organizations; defining a certain term; providing for the
18 application of this Act; and generally relating to health insurance coverage for
19 cancer chemotherapy.

20 BY adding to

21 Article – Insurance

22 Section 15–846

23 Annotated Code of Maryland

24 (2011 Replacement Volume)

25 BY adding to

26 Article – Health – General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 19-706(l)(l)(l)
2 Annotated Code of Maryland
3 (2009 Replacement Volume and 2011 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article – Insurance**

7 **15-846.**

8 (A) IN THIS SECTION, “CANCER CHEMOTHERAPY” MEANS MEDICATION
9 THAT IS PRESCRIBED BY A LICENSED PHYSICIAN TO KILL OR SLOW THE GROWTH
10 OF CANCER CELLS.

11 (B) THIS SECTION APPLIES TO:

12 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT
13 PROVIDE COVERAGE FOR CANCER CHEMOTHERAPY UNDER HEALTH INSURANCE
14 POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

15 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE
16 COVERAGE FOR CANCER CHEMOTHERAPY UNDER CONTRACTS THAT ARE ISSUED
17 OR DELIVERED IN THE STATE.

18 (C) AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE DOLLAR
19 LIMITS, COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS ON
20 COVERAGE FOR ORALLY ADMINISTERED CANCER CHEMOTHERAPY THAT ARE
21 LESS FAVORABLE TO AN INSURED OR ENROLLEE THAN THE DOLLAR LIMITS,
22 COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS THAT APPLY
23 TO COVERAGE FOR CANCER CHEMOTHERAPY THAT IS ADMINISTERED
24 INTRAVENOUSLY OR BY INJECTION.

25 (D) (1) AN ENTITY SUBJECT TO THIS SECTION MAY NOT RECLASSIFY
26 CANCER CHEMOTHERAPY OR INCREASE A COPAYMENT, DEDUCTIBLE,
27 COINSURANCE REQUIREMENT, OR OTHER OUT-OF-POCKET EXPENSE IMPOSED
28 ON CANCER CHEMOTHERAPY TO ACHIEVE COMPLIANCE WITH THIS SECTION.

29 (2) AN ENTITY SUBJECT TO THIS SECTION MAY NOT INCREASE AN
30 OUT-OF-POCKET EXPENSE APPLIED TO CANCER CHEMOTHERAPY UNDER A
31 HEALTH INSURANCE POLICY OR CONTRACT OR A HEALTH MAINTENANCE
32 ORGANIZATION CONTRACT UNLESS THE ENTITY ALSO APPLIES THE INCREASE
33 TO THE MAJORITY OF COMPARABLE MEDICAL OR PHARMACEUTICAL BENEFITS
34 UNDER THE POLICY OR CONTRACT.

